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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Letter dated 2 August 1985 from the Permanent Representative
of Morocco to the United Nations addressed to the
Secretary-General

I have the honour to transmit to you herewith the document transmitted to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, concerning the position of the Kingdom of Morocco with regard to the item inscribed on the agenda under the title "Question of Western Sahara" (see annex).

I should be grateful if you would have this document circulated under item 18 of the provisional agenda.

Ambassador,
Permanent Representative,
(Signed) Mehdi ALAOUI

* A/40/150.

ANNEX

Document dated 2 August 1985 transmitted to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in connection with Morocco's position on the question of Western Sahara

The Kingdom of Morocco, respectful of international legality and faithful to its policy of dialogue and peaceful co-operation, while maintaining its legitimate claims for the achievement of its territorial integrity, took the initiative, in 1963, of including the Territories of Western Sahara and Ifni in the agenda of the Special Committee. In the same spirit, His Majesty Hassan II in 1974 proposed to Spain, which claimed that Western Sahara was a Territory without an owner (*terra nullus*) that the International Court of Justice should be consulted. Seized by the General Assembly with a request for an advisory opinion, the Court confirmed, in October 1975, the existence of ancestral legal links between the Kingdom of Morocco and the populations of Western Sahara. The glorious Green March which followed was the occasion of a mass peaceful demonstration of the perpetuity of that covenant. After the Security Council adopted resolution 380 (1975) of 6 November 1975, recommending a peaceful settlement in accordance with Article 33 of the United Nations Charter, the Madrid agreement was concluded on 14 November 1975 for the purpose of organizing the process of the withdrawal of the Spanish presence from the Territory, by 26 February 1976 at the latest, out of respect for the opinion of the Saharan population as expressed by the Jama'a.

The United Nations General Assembly, having taken note of that agreement by resolution 3458 B (XXX), and the Jama'a, the representative assembly of the Territory, having been consulted on 26 February 1976, the decolonization of Western Sahara was achieved by peaceful means, and the item should be purely and simply deleted from the agenda of the Special Committee.

Unfortunately, the Algerian leaders have undertaken, on the pretext of "regional geo-political balance", to oppose this peaceful solution by all means at their disposal, by arming mercenaries or intervening directly (battle of February 1976 between the Algerian Army and the Royal Armed Forces in the Amgala area inside the Sahara). This desperate action was accompanied by multiple contradictions, since at the very moment when those leaders were claiming to care only about the free expression of the will of the population, through a referendum on self-determination, they proclaimed, through the Frente POLISARIO, a so-called "Saharan Democratic Republic on 27 February 1976".

In the face of the gravity of the tension created by the Algerian position and the threat to peace and security in one of the most sensitive regions of the world, the Kingdom of Morocco, through the most authorized channel, that of His Majesty King Hassan II, proposed to African Heads of State, meeting in Nairobi on 26 June 1981, the organization of a consultation of the population and undertook to respect the results fully. This courageous initiative is a considerable concession

intended to facilitate the re-establishment of peace in the region. It enabled the Organization of African Unity to adopt resolution AHG/Res.103 (XVIII) and its committee to embark on the formulation, down to the last detail, at its sessions in Nairobi in August 1981 and February 1982, the methods of organizing a referendum on self-determination. At the time of the thirty-eighth session of the General Assembly, His Majesty King Hassan II reiterated the commitment of the Kingdom and the Moroccan people in favour of a referendum on self-determination in order to put a definitive end to the so-called question of "Western Sahara" and open up a new era of co-operation in the Maghreb, in the interest of all the peoples of the region.

Algeria, however, once again tried to set up a series of obstacles in order to frustrate the free expression of the will of the population of the Western Sahara. We may mention, inter alia, the request for direct negotiations with the Frente POLISARIO or the admission of the so-called "Saharan Arab Democratic Republic" to the Organization of African Unity, measures which prejudge the results of the future referendum and seek to render it inoperative.

However, such manoeuvres have had no impact on the reality of daily life in the Territory, because the populations are peacefully concerned with their habitual occupations and participate in all democratic consultations, within the framework of Moroccan institutions. This serenity and calm were illustrated, in the most striking manner, in March 1985, by the week-long visit made by His Majesty King Hassan II to the region and the meeting of the Moroccan Parliament at El Aaiun. Nevertheless, the fact remains that, in view of the legal and political impasse in which OAU finds itself, it is now up to the United Nations, whose role is to prevent any aggravation of tensions and avoid conflicts among its members, to take all the necessary steps for the carrying out of a referendum on self-determination in the Territory and the peaceful settlement of the so-called question of "Western Sahara".

The Kingdom of Morocco, for its part, reiterates its solemn commitment to collaborate fully with the Secretary-General and the competent organs of the United Nations in order to hold the referendum on self-determination.

In conclusion, the Kingdom of Morocco, whose fundamental objective is to organize peaceful relations with its neighbours and build a Maghrebi community based on solidarity, is counting on the support of all peace-loving countries to support its efforts with a view to arriving at a just and definitive solution of the question of "Western Sahara", through a free and democratic referendum under United Nations auspices.
